

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

KARL FONTENOT,

Petitioner,

v.

JOE ALLBAUGH, WARDEN,

Respondent.

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CIVIL ACTION
6:16-cv-00069-JHP-KEW

**RESPONSE TO RESPONDENT’S MOTION FOR STATUS CONFERENCE
(Dkt. 127)**

Mr. Fontenot’s counsel agrees with the principle of a Status Conference, particularly in light of a recent development involving the ongoing investigation into the recent production of previously undisclosed Ada Police Department reports. This Court has set an April 9, 2019, hearing on Mr. Fontenot’s Motion for Sanctions, Leave to Amend Petition, and Request for Hearing. Dkt. # 114. Mr. Fontenot has served subpoenas on certain parties and documents in order to ensure the Court has sufficient evidence to rule on Mr. Fontenot’s Motion for Sanctions.¹ As noted in that Motion, the City Attorney for Ada and the Ada Police Department previously told Mr. Fontenot in response to a 2017 federal subpoena that they possessed no records pertaining to the investigation into the disappearance of Donna Haraway, or their

¹ Mr. Fontenot’s Counsel served subpoenas on the City Attorney of Ada, the Ada Police Department Chief of Police, the Ada Police Department evidence custodian, Respondent’s Counsel, and two law enforcement officers who investigated the original crime. The subpoena also requires those individuals to bring to Court any records those individuals possess regarding the recent production of previously undisclosed Ada police department reports.

investigation into Mr. Fontenot. The February 2019 production of the Ada Police Department reports related to that very investigation lead to Mr. Fontenot's Motion.

In an effort to determine the circumstances surrounding the previously undisclosed reports, the Respondent dispatched an investigator to Ada. The Respondent also agreed to allow Mr. Fontenot's investigator to accompany Respondent's investigator to conduct the investigation. Late yesterday, the City of Ada and the Ada Police Department informed counsel they would not cooperate in the Respondent's investigation. Today, the City Attorney for Ada confirmed to undersigned counsel that the City of Ada and the Ada Police Department will not cooperate with Respondent's investigation if Mr. Fontenot's investigator is allowed to attend.

Mr. Fontenot's counsel asks the Court set an expedited telephonic hearing and direct the U.S. Marshall serve service upon the City Attorney of Ada and the Chief of Police for Ada Police Department directing them to appear at the Status Conference and show cause for their noncompliance with the parties' good faith investigation of the circumstances surrounding the previously undisclosed Ada police department reports.

RESPECTFULLY SUBMITTED,

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CRTIFICATE OF SERVICE

I hereby certify that on March 27, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Oklahoma by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

By: /S/ Robert Ridenour
ROBERT RIDENOUR